

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY,
INC. PRODUCTS LIABILITY MDL No. 2419
LITIGATION

Master Dkt:
1:13-md-02419-RWZ

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THIS DOCUMENT RELATES  
TO:

All Actions

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30 (b) (6) VIDEOTAPED DEPOSITION OF
LARRY MOORE

9:26 a.m.
July 8, 2015

305 East Spring Street
Cookeville, Tennessee

Blanche J. Dugas, RPR, CCR No. B-2290



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1 occur prior to 2012? In other words, there were
2 discussions and I think you said in 2010, as early as
3 2010?

4 A. Uh-huh (affirmative).

5 Q. Why didn't the sale occur then and did not
6 until until June of 2013?

7 A. The principals at the surgery center felt
8 the value was greater than the offer -- than the fair
9 market value analysis.

10 Q. Do you know what changed their minds?

11 A. Do not. Can't speak for that.

12 Q. Let's look at Page 5 of Exhibit 460.
13 Looking at Article 1 of the asset purchase agreement.
14 Do you see that?

15 A. Uh-huh (affirmative).

16 Q. It says, purchase and sale of the assets?

17 A. Uh-huh (affirmative).

18 Q. Section 1.1 says, assets transferred. Do
19 you see that?

20 A. Uh-huh (affirmative).

21 Q. So this is the list of the assets of
22 Specialty Surgery Center that were actually
23 transferred to CMC; is that right?

24 A. Correct.

25 Q. And did that asset purchase actually occur?

1 A. Yes, sir.

2 Q. So first, in this category, CMC purchased
3 the real property located on Brown Avenue in
4 Crossville, Tennessee; is that right?

5 A. Yes, sir.

6 Q. So I've seen two different addresses listed
7 on various documents. There's 118 and 116 Brown
8 Avenue. Do you know what the difference is, if there
9 is any?

10 A. I don't -- I don't know the difference.
11 Can't answer that.

12 Q. Okay. Are there any -- and let me show you
13 what I mean. For example, if you look at Page 31,
14 0031 --

15 A. Okay.

16 Q. -- this is the -- under the notices
17 paragraph or notices provision where notices under the
18 contract have to go to certain people, it says, if to
19 see -- SSC, addressed to Dr. Simpson at 118 Brown
20 Avenue. Do you see that?

21 A. Yes, sir.

22 Q. Is there a building that's adjacent to the
23 Specialty Surgery Center that --

24 A. Yes, sir.

25 Q. Okay. And that -- what's in there now, do

1 you know?

2 A. Dr. Jon Simpson's practice.

3 Q. I see. And that still exists today?

4 A. Yes, sir.

5 Q. Okay. The Specialty Surgery Center itself
6 was located at 116 Brown Avenue?

7 A. Correct.

8 Q. And Dr. Simpson's building or the building
9 where Dr. Simpson's practice is was not part of the
10 asset purchase; right?

11 A. Correct.

12 Q. Thank you for clarifying that. The second
13 category of assets that CMC purchased include the
14 tangible personal property of SSC, which includes the
15 furniture, fixtures, equipment, supplies, inventory
16 and other tangible personal property owned by the
17 seller and used in the seller's operation; is that
18 right?

19 A. Correct.

20 Q. That includes medical equipment?

21 A. Yes, sir.

22 Q. And that is -- those items are listed, I
23 believe, in Exhibit A which starts on Page 58 of
24 Exhibit 460; is that right?

25 A. Yes, sir.

1 Q. Looking at Exhibit A, starting on Page 58
2 and runs through 62, Page 62, these are -- for
3 example, if we look at the first page, it says OR No.
4 1. Do you see that? I'm looking on Page 58.

5 A. Yes.

6 Q. On the very top, it says OR No. 1?

7 A. Uh-huh (affirmative).

8 Q. Is that Operating Room No. 1?

9 A. Correct.

10 Q. And all this stuff listed here in that
11 section, OR No. 1, that's all the medical equipment
12 that was in the operating room; is that right?

13 A. At that time, yes.

14 Q. Okay. And then there's something separate
15 called an endoscopy room or is that part of OR No. 1?

16 A. That's a separate room.

17 Q. What's an endoscopy?

18 A. It could be a colonoscopy, it could be both
19 down your throat and the other way.

20 Q. Okay. How many operating rooms at that
21 time were in the Specialty Surgery Center facility?

22 A. Two. These two rooms.

23 Q. Do you know in which room the epidural
24 steroid injections were given?

25 A. I do not know.

1 Q. Is there anything about the equipment
2 that -- and if you look on Page 60, there's a list of
3 the materials that were in Operating Room No. 2 or the
4 equipment that was in Operating Room No. 2. Is there
5 anything about the equipment that tells you one way or
6 another which room Specialty Surgery Center used for
7 the epidural steroid injections?

8 MR. FITZPATRICK: You're asking him
9 as a layman, not as a doctor.

10 MR. CHALOS: Right.

11 Q. (By Mr. Chalos) You're not a doctor.

12 A. I'm not a doctor, so I can't tell that you.

13 Q. That's fine. Did you let Dr. Fox keep his
14 son's ball team picture?

15 A. I don't remember.

16 Q. I sure hope you did.

17 MR. FITZPATRICK: Of Payron Manning.

18 MR. CHALOS: Yeah, old Payron.

19 Q. (By Mr. Chalos) Okay. And then on the
20 last page, Exhibit 62, these are additional appliances
21 and other equipment that was in the facility as well;
22 right?

23 A. Correct.

24 Q. Looks like some microwave and washers and
25 maybe a dishwasher, dryer; right?